

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 SEQUOIA ELECTRIC, LLC, a Nevada
11 limited liability company; and SEQUOIA
12 ELECTRIC UNDERGROUND, LLC, a
13 Nevada limited liability company,
14 Plaintiffs,
15 vs.
16 TRUSTEES OF THE LABORERS JOINT
17 TRUST FUND,
18 Defendant.

2:12-cv-0751-KJD-VCF

ORDER

18 Presently before the Court is Plaintiffs's Motion for Temporary Restraining Order/
19 Preliminary Injunction (#15). Defendant has filed a response (#19).

20 This action arises from the placement of Plaintiffs on a list of delinquent contractors
21 maintained by Defendant. The delinquent list is used to inform other contractors of potential Trust
22 Fund claims to any amounts being paid to delinquent contractors. However, it is undisputed that
23 although Plaintiffs are listed on the delinquent list, there is no current delinquency claimed and that a
24 notation simply states “contribution and ancillaries dispute in litigation”.

25 Plaintiffs argue that they are unable to obtain payment and contracts while they are listed on
26 Defendant's delinquent list. The only liquidated amount currently in dispute is a payment of

1 \$5,525.00 which was tendered by Plaintiffs to Defendant "under protest". That amount will be
2 redelivered to Defendants without the notation and subject only to Plaintiff's right to seek a refund
3 pursuant to established procedures. With that payment, the Court finds that there remains no
4 currently liquidated delinquency claim against Plaintiffs. It is acknowledged, however, that there
5 may be further liabilities arising from future audits and the potential for an award of reasonable
6 attorney fees and costs in connection with the instant litigation. Whether Plaintiff will be liable in
7 the future depends upon events which are beyond the ability of this Court to determine.

8 The Court denies the Plaintiffs' application for Temporary Restraining Order/Preliminary
9 Injunction. The Court finds that Plaintiffs have not established that they are likely to prevail on the
10 merits of their claims in this action, that the balance of hardships does not tip sharply in favor of the
11 Plaintiffs, that the public interest disfavors granting of an injunction for the specific conduct alleged,
12 specifically, publication of notice that the parties are in litigation, and finally, that money damages
13 would adequately compensate Plaintiffs for any losses or lost profits arising from the actions of
14 Defendant.

15 Accordingly, the Court finds and orders that with payment of \$5,525.00 by Plaintiff to
16 Defendant , there remains no currently liquidated delinquency claim by Defendant Trustees of the
17 Laborers Joint Trust Fund against Plaintiffs Sequoia Electric, LLC or Sequoia Electric Underground,
18 LLC.

19 It is further ordered that Plaintiffs' Application for Temporary Restraining Order/Preliminary
20 Injunction (#15) is **DENIED**.

21 DATED: Aug. 9, 2012



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23 UNITED STATES DISTRICT JUDGE
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